

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GOSMILE, INC., a Delaware Corporation,  
  
Plaintiff,

-against-

DR. JONATHAN B. LEVINE, D.M.D. P.C., a  
New York corporation, and DR. JONATHAN B.  
LEVINE, an individual,  
  
Defendants.

Index No. 10 CV 8663 (PKC)(DCF)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, dated January 17, 2011, the accompanying declaration of Kyle C. Bisceglie, Esq., dated January 17, 2011, the accompanying declaration of Joshua S. Krakowsky, dated January 17, 2010, and upon all pleadings and proceedings had herein, Defendants Dr. Jonathan B. Levine D.M.D. P.C. and Dr. Jonathan B. Levine (collectively "Defendants") will move this Court before the Honorable Kevin P. Castel, United States District Judge at the United States Courthouse, 500 Pearl Street, New York, New York 10007 on a date and time to be set by the Court for an Order:

- a) Striking plaintiff GoSMILE, Inc.'s ("GoSMILE") reply papers in further support of their motion for a preliminary injunction (Doc. Nos. 42-45);
- b) Precluding GoSMILE from using any stolen documents in this action; and
- c) Granting such other and further and other relief as the Court deems just and proper.

Dated: New York, New York  
January 17, 2011

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